

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

RIVERDALE MILLS CORPORATION)
 Plaintiff)

vs.)

CA. NO. 15-40132

CAVATORTA NORTH AMERICA, INC.,)
METALLURGICA ABRUZZESE SPA, and)
TRAFILERIA E ZINCHERIA)
CAVATORTA SPA)
 Defendants)

**DEFENDANT, METALLURGICA ABRUZZESE S.p.A.'S ANSWER TO THE
PLAINTIFF'S VERIFIED COMPLAINT AND DEMAND FOR JURY**

NOW COMES the defendant, Metallurgica Abruzzese S.p.A. (herein "Metallurgica" or "defendant") in the above-entitled matter and hereby ANSWERS the plaintiff, Riverdale Mills Corporation's (herein "Riverdale" or "plaintiff") Verified Complaint and further states as follows:

Parties

1. The Defendant, Metallurgica denies the allegations contained in paragraph 1 of the Plaintiff's Verified Complaint for lack of personal knowledge.
2. The Defendant, Metallurgica, denies the allegations contained in paragraph 2 of the Plaintiff's Verified Complaint for lack of personal knowledge.
3. The Defendant, Metallurgica, denies the allegations contained in paragraph 3 of the Plaintiff's Verified Complaint.
4. The Defendant, Metallurgica, denies the allegations contained in paragraph 4 of the Plaintiff's Verified Complaint.

Jurisdiction and Venue

5. The Defendant, Metallurgica, neither admits nor denies the allegations contained in paragraph 5 of the Plaintiff's Verified Complaint as it calls for a legal conclusion. To the extent a response is required, the defendant Metallurgica denies the same.
6. The Defendant, Metallurgica, neither admits nor denies the allegations contained in paragraph 6 of the Plaintiff's Verified Complaint as it calls for a legal conclusion. To the extent a response is required, the defendant Metallurgica denies the same.

7. The Defendant, Metallurgica, neither admits nor denies the allegations contained in paragraph 7 of the Plaintiff's Verified Complaint as it calls for a legal conclusion. To the extent a response is required, the defendant Metallurgica denies the same.

8. The Defendant, Metallurgica, neither admits nor denies the allegations contained in paragraph 8 of the Plaintiff's Verified Complaint as it calls for a legal conclusion. To the extent a response is required, the defendant Metallurgica denies the same.

9. The Defendant, Metallurgica, neither admits nor denies the allegations contained in paragraph 9 of the Plaintiff's Verified Complaint as it calls for a legal conclusion. To the extent a response is required, the defendant Metallurgica denies the same.

10. The Defendant, Metallurgica, neither admits nor denies the allegations contained in paragraph 10 of the Plaintiff's Verified Complaint as it calls for a legal conclusion. To the extent a response is required, the defendant Metallurgica denies the same.

Facts

Riverdale and the "Galvanized After Welding" Manufacturing Process

11. The Defendant, Metallurgica, denies the allegations contained in paragraph 11 of the Plaintiff's Verified Complaint for lack of personal knowledge.

12. The Defendant, Metallurgica, denies the allegations contained in paragraph 12 of the Plaintiff's Verified Complaint for lack of personal knowledge.

13. The Defendant, Metallurgica, denies the allegations contained in paragraph 13 of the Plaintiff's Verified Complaint for lack of personal knowledge.

14. The Defendant, Metallurgica, denies the allegations contained in paragraph 14 of the Plaintiff's Verified Complaint for lack of personal knowledge.

15. The Defendant, Metallurgica, denies the allegations contained in paragraph 15 of the Plaintiff's Verified Complaint for lack of personal knowledge.

16. The Defendant, Metallurgica, denies the allegations contained in paragraph 16 of the Plaintiff's Verified Complaint for lack of personal knowledge.

17. The Defendant, Metallurgica, denies the allegations contained in paragraph 17 of the Plaintiff's Verified Complaint for lack of personal knowledge.

18. The Defendant, Metallurgica, denies the allegations contained in paragraph 18 of the Plaintiff's Verified Complaint for lack of personal knowledge.

19. The Defendant, Metallurgica, denies the allegations contained in paragraph 19 of the Plaintiff's Verified Complaint for lack of personal knowledge.

20. The Defendant, Metallurgica, denies the allegations contained in paragraph 20 of the Plaintiff's Verified Complaint for lack of personal knowledge.

21. The Defendant, Metallurgica, denies the allegations contained in paragraph 21 of the Plaintiff's Verified Complaint.

22. The Defendant, Metallurgica, denies the allegations contained in paragraph 22 of the Plaintiff's Verified Complaint for lack of personal knowledge.

23. The Defendant, Metallurgica, denies the allegations contained in paragraph 23 of the Plaintiff's Verified Complaint for lack of personal knowledge.

24. The Defendant, Metallurgica, denies the allegations contained in paragraph 24 of the Plaintiff's Verified Complaint for lack of personal knowledge.

25. The Defendant, Metallurgica, denies the allegations contained in paragraph 25 of the Plaintiff's Verified Complaint for lack of personal knowledge.

26. The Defendant, Metallurgica, denies the allegations contained in paragraph 26 of the Plaintiff's Verified Complaint for lack of personal knowledge.

27. The Defendant, Metallurgica, denies the allegations contained in paragraph 27 of the Plaintiff's Verified Complaint for lack of personal knowledge.

28. The Defendant, Metallurgica, denies the allegations contained in paragraph 28 of the Plaintiff's Verified Complaint for lack of personal knowledge.

29. The Defendant, Metallurgica, denies the allegations contained in paragraph 29 of the Plaintiff's Verified Complaint for lack of personal knowledge.

30. The Defendant, Metallurgica, denies the allegations contained in paragraph 30 of the Plaintiff's Verified Complaint for lack of personal knowledge.

31. The Defendant, Metallurgica, denies the allegations contained in paragraph 31 of the Plaintiff's Verified Complaint for lack of personal knowledge.

Defendants Have Falsely Advertised Their Wire Mesh As "Galvanized After Welding"

32. The Defendant, Metallurgica admits, upon information and belief, that Cavatorta North America is a direct competitor of Riverdale. Metallurgica denies the remaining allegations contained in paragraph 32 of the Plaintiff's Verified Complaint.

33. The Defendant, Metallurgica denies the allegations contained in paragraph 33 of the Plaintiff's Verified Complaint.

34. The Defendant, Metallurgica, denies the allegations contained in paragraph 34 of the Plaintiff's Verified Complaint.

35. The Defendant, Metallurgica, denies the allegations contained in paragraph 35 of the Plaintiff's Verified Complaint for lack of personal knowledge.

36. The Defendant, Metallurgica, denies the allegations contained in paragraph 36 of the Plaintiff's Verified Complaint for lack of personal knowledge.

37. The Defendant, Metallurgica, denies the allegations contained in paragraph 37 of the Plaintiff's Verified Complaint for lack of personal knowledge.

38. The Defendant, Metallurgica, denies the allegations contained in paragraph 38 of the Plaintiff's Verified Complaint.

39. The Defendant, Metallurgica, denies the allegations contained in paragraph 39 of the Plaintiff's Verified Complaint.

40. The Defendant, Metallurgica, denies the allegations contained in paragraph 40 of the Plaintiff's Verified Complaint for lack of personal knowledge.

41. The Defendant, Metallurgica, denies the allegations contained in paragraph 41 of the Plaintiff's Verified Complaint for lack of personal knowledge.

42. The Defendant, Metallurgica, denies the allegations contained in paragraph 42 of the Plaintiff's Verified Complaint for lack of personal knowledge.

43. The Defendant, Metallurgica, denies the allegations contained in paragraph 43 of the Plaintiff's Verified Complaint.

44. The Defendant, Metallurgica, denies the allegations contained in paragraph 44 of the Plaintiff's Verified Complaint.

45. The Defendant, Metallurgica, denies the allegations contained in paragraph 45 of the Plaintiff's Verified Complaint for lack of personal knowledge.

46. The Defendant, Metallurgica, denies the allegations contained in paragraph 46 of the Plaintiff's Verified Complaint.

COUNT 1

(Violation of the Lahnam Act, 15 U.S.C. §1125(a) against Cavatorta)

47. The Defendant, Metallurgica, realleges and incorporates herein its answers to paragraphs 1 – 46 above as though separately set forth herein.

48. The Defendant, Metallurgica, admits, upon information and belief, the allegations contained in paragraph 48 of the Plaintiff's Verified Complaint.

49. The Defendant, Metallurgica, denies the allegations contained in paragraph 49 of the Plaintiff's Verified Complaint.

50. The Defendant, Metallurgica, denies the allegations contained in paragraph 50 of the Plaintiff's Verified Complaint.

51. The Defendant, Metallurgica, denies the allegations contained in paragraph 51 of the Plaintiff's Verified Complaint.

52. The Defendant, Metallurgica, denies the allegations contained in paragraph 52 of the Plaintiff's Verified Complaint.

53. The Defendant, Metallurgica, denies the allegations contained in paragraph 53 of the Plaintiff's Verified Complaint.

54. The Defendant, Metallurgica, denies the allegations contained in paragraph 54 of the Plaintiff's Verified Complaint.

55. The Defendant, Metallurgica, denies the allegations contained in paragraph 55 of the Plaintiff's Verified Complaint.

56. The Defendant, Metallurgica, denies the allegations contained in paragraph 56 of the Plaintiff's Verified Complaint.

COUNT II

(Violation of the Lanham Act, 15 U.S.C. § 1125(a) against Metallurgica)

57. The Defendant, Metallurgica, realleges and incorporates herein its answers to paragraphs 1 – 56 above as though separately set forth herein

58. The Defendant, Metallurgica, denies the allegations contained in paragraph 58 of the Plaintiff's Verified Complaint.

59. The Defendant, Metallurgica, denies the allegations contained in paragraph 59 of the Plaintiff's Verified Complaint.

60. The Defendant, Metallurgica, denies the allegations contained in paragraph 60 of the Plaintiff's Verified Complaint.

61. The Defendant, Metallurgica, denies the allegations contained in paragraph 61 of the Plaintiff's Verified Complaint.

62. The Defendant, Metallurgica, denies the allegations contained in paragraph 62 of the Plaintiff's Verified Complaint.

63. The Defendant, Metallurgica, denies the allegations contained in paragraph 63 of the Plaintiff's Verified Complaint.

64. The Defendant, Metallurgica, denies the allegations contained in paragraph 64 of the Plaintiff's Verified Complaint.

65. The Defendant, Metallurgica, denies the allegations contained in paragraph 65 of the Plaintiff's Verified Complaint.

66. The Defendant, Metallurgica, denies the allegations contained in paragraph 66 of the Plaintiff's Verified Complaint.

COUNT III

(Violation of the Lanham Act, 15 U.S.C. § 1125(a) against Cavatorta Group)

67. The Defendant, Metallurgica, realleges and incorporates herein its answers to paragraphs 1 – 66 above as though separately set forth herein.

68. The Defendant, Metallurgica, denies the allegations contained in paragraph 68 of the Plaintiff's Verified Complaint.

69. The Defendant, Metallurgica, denies the allegations contained in paragraph 69 of the Plaintiff's Verified Complaint.

70. The Defendant, Metallurgica, denies the allegations contained in paragraph 70 of the Plaintiff's Verified Complaint.

71. The Defendant, Metallurgica, denies the allegations contained in paragraph 71 of the Plaintiff's Verified Complaint.

72. The Defendant, Metallurgica, denies the allegations contained in paragraph 72 of the Plaintiff's Verified Complaint.

73. The Defendant, Metallurgica, denies the allegations contained in paragraph 73 of the Plaintiff's Verified Complaint.

74. The Defendant, Metallurgica, denies the allegations contained in paragraph 74 of the Plaintiff's Verified Complaint.

75. The Defendant, Metallurgica, denies the allegations contained in paragraph 75 of the Plaintiff's Verified Complaint.

76. The Defendant, Metallurgica, denies the allegations contained in paragraph 76 of the Plaintiff's Verified Complaint.

COUNT IV

(Violation of Mass. Gen. Laws c. 266, § 91 against Cavatorta)

77. The Defendant, Metallurgica, realleges and incorporates herein its answers to paragraphs 1 – 76 above as though separately set forth herein.

78. The Defendant, Metallurgica, denies the allegations contained in paragraph 78 of the Plaintiff's Verified Complaint.

79. The Defendant, Metallurgica, denies the allegations contained in paragraph 79 of the Plaintiff's Verified Complaint.

80. The Defendant, Metallurgica, denies the allegations contained in paragraph 80 of the Plaintiff's Verified Complaint.

81. The Defendant, Metallurgica, denies the allegations contained in paragraph 81 of the Plaintiff's Verified Complaint.

82. The Defendant, Metallurgica, denies the allegations contained in paragraph 82 of the Plaintiff's Verified Complaint.

83. The Defendant, Metallurgica, denies the allegations contained in paragraph 83 of the Plaintiff's Verified Complaint.

84. The Defendant, Metallurgica, denies the allegations contained in paragraph 84 of the Plaintiff's Verified Complaint.

COUNT V

(Violation of Mass Gen. Laws c. 266, § 91 against Metallurgica)

85. The Defendant, Metallurgica, realleges and incorporates herein its answers to paragraphs 1-84 above as though separately set forth herein.

86. The Defendant, Metallurgica, denies the allegations contained in paragraph 86 of the Plaintiff's Verified Complaint.

87. The Defendant, Metallurgica, denies the allegations contained in paragraph 87 of the Plaintiff's Verified Complaint.

88. The Defendant, Metallurgica, denies the allegations contained in paragraph 88 of the Plaintiff's Verified Complaint.

89. The Defendant, Metallurgica, denies the allegations contained in paragraph 89 of the Plaintiff's Verified Complaint.

90. The Defendant, Metallurgica, denies the allegations contained in paragraph 90 of the Plaintiff's Verified Complaint.

91. The Defendant, Metallurgica, denies the allegations contained in paragraph 91 of the Plaintiff's Verified Complaint.

92. The Defendant, Metallurgica, denies the allegations contained in paragraph 92 of the Plaintiff's Verified Complaint.

COUNT VI

(Violation of Mass. Gen. Laws c. 266 § 91 against Cavatorta Group)

93. The Defendant, Metallurgica, realleges and incorporates herein its answers to paragraphs 1 – 92 above as though separately set forth herein.

94. The Defendant, Metallurgica, denies the allegations contained in paragraph 94 of the Plaintiff's Verified Complaint.

95. The Defendant, Metallurgica, denies the allegations contained in paragraph 95 of the Plaintiff's Verified Complaint.

96. The Defendant, Metallurgica, denies the allegations contained in paragraph 96 of the Plaintiff's Verified Complaint.

97. The Defendant, Metallurgica, denies the allegations contained in paragraph 97 of the Plaintiff's Verified Complaint.

98. The Defendant, Metallurgica, denies the allegations contained in paragraph 98 of the Plaintiff's Verified Complaint.

99. The Defendant, Metallurgica, denies the allegations contained in paragraph 99 of the Plaintiff's Verified Complaint.

100. The Defendant, Metallurgica, denies the allegations contained in paragraph 100 of the Plaintiff's Verified Complaint.

COUNT VII

(Violation of Mass. Gen. Laws c. 93A against Cavatorta)

101. The Defendant, Metallurgica, realleges and incorporates herein its answers to paragraphs 1 – 101 above as though separately set forth herein.

102. The Defendant, Metallurgica, neither admits nor denies the allegations contained in paragraph 102 of the Plaintiff's Verified Complaint as it calls for a legal conclusion. To the extent a response is required, Metallurgica denies the same.

103. The Defendant, Metallurgica, denies the allegations contained in paragraph 103 of the Plaintiff's Verified Complaint.

104. The Defendant, Metallurgica, denies the allegations contained in paragraph 104 of the Plaintiff's Verified Complaint.

105. The Defendant, Metallurgica, denies the allegations contained in paragraph 105 of the Plaintiff's Verified Complaint.

106. The Defendant, Metallurgica, denies the allegations contained in paragraph 106 of the Plaintiff's Verified Complaint.

107. The Defendant, Metallurgica, denies the allegations contained in paragraph 107 of the Plaintiff's Verified Complaint.

COUNT VIII

(Violation of Mass. Gen. Laws c. 93A against Metallurgica)

108. The Defendant, Metallurgica, realleges and incorporates herein its answers to paragraphs 1 – 107 above as though separately set forth herein.

109. The Defendant, Metallurgica, neither admits nor denies the allegations contained in paragraph 109 of the Plaintiff's Verified Complaint as the same calls for a legal conclusion. To the extent a response is required, Metallurgica denies the same.

110. The Defendant, Metallurgica, denies the allegations contained in paragraph 110 of the Plaintiff's Verified Complaint.

111. The Defendant, Metallurgica, denies the allegations contained in paragraph 111 of the Plaintiff's Verified Complaint.

112. The Defendant, Metallurgica, denies the allegations contained in paragraph 112 of the Plaintiff's Verified Complaint.

113. The Defendant, Metallurgica, denies the allegations contained in paragraph 113 of the Plaintiff's Verified Complaint.

114. The Defendant, Metallurgica, denies the allegations contained in paragraph 114 of the Plaintiff's Verified Complaint.

COUNT IX
(Violation of Mass. Gen. Laws c. 93A against Cavatorta Group)

115. The Defendant, Metallurgica, realleges and incorporates herein its answers to paragraphs 1 – 114 above as though separately set forth herein.

116. The Defendant, Metallurgica, denies the allegations contained in paragraph 116 of the Plaintiff's Verified Complaint.

117. The Defendant, Metallurgica, denies the allegations contained in paragraph 117 of the Plaintiff's Verified Complaint.

118. The Defendant, Metallurgica, denies the allegations contained in paragraph 118 of the Plaintiff's Verified Complaint.

119. The Defendant, Metallurgica, denies the allegations contained in paragraph 119 of the Plaintiff's Verified Complaint.

120. The Defendant, Metallurgica, denies the allegations contained in paragraph 120 of the Plaintiff's Verified Complaint.

121. The Defendant, Metallurgica, denies the allegations contained in paragraph 121 of the Plaintiff's Verified Complaint.

COUNT X
(Common Law Unfair Competition against Cavatorta)

122. The Defendant, Metallurgica, realleges and incorporates herein its answers to paragraphs 1 – 121 above as though separately set forth herein.

123. The Defendant, Metallurgica, denies the allegations contained in paragraph 123 of the Plaintiff's Verified Complaint.

124. The Defendant, Metallurgica, denies the allegations contained in paragraph 124 of the Plaintiff's Verified Complaint.

COUNT XI
(Common Law Unfair Competition against Metallurgica)

125. The Defendant, Metallurgica, realleges and incorporates herein its answers to paragraphs 1 – 124 above as though separately set forth herein.

126. The Defendant, Metallurgica, denies the allegations contained in paragraph 126 of the Plaintiff's Verified Complaint.

127. The Defendant, Metallurgica, denies the allegations contained in paragraph 127 of the Plaintiff's Verified Complaint.

COUNT XII

(Common Law Unfair Competition against Cavatorta Group)

128. The Defendant, Metallurgica, realleges and incorporates herein its answers to paragraphs 1 – 127 above as though separately set forth herein.

129. The Defendant, Metallurgica, denies the allegations contained in paragraph 129 of the Plaintiff's Verified Complaint.

130. The Defendant, Metallurgica, denies the allegations contained in paragraph 130 of the Plaintiff's Verified Complaint.

FIRST AFFIRMATIVE DEFENSE

And further answering the defendant, Metallurgica says that the Complaint fails to state a cause of action upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

And further answering the defendant, Metallurgica, says the plaintiff, by its own conduct, is estopped from recovery hereunder.

THIRD AFFIRMATIVE DEFENSE

And further answering, the defendant, Metallurgica, says the plaintiff, by its own actions, has waived any and all rights against the defendants and is estopped from recovery hereunder.

FOURTH AFFIRMATIVE DEFENSE

And further answering the defendant, Metallurgica, says that this action was not commenced within the time required by the laws made and provided therefore.

FIFTH AFFIRMATIVE DEFENSE

And further answering the defendant, Metallurgica, says that the Court does not have personal jurisdiction over the said defendant, wherefore the said defendant requests that this action be dismissed pursuant to Fed.R.Civ.P. Rule 12(b)(2).

SIXTH AFFIRMATIVE DEFENSE

And further answering the defendant, Metallurgica, says that the Complaint should be dismissed pursuant to Fed.R.Civ.P. Rule 12(b)(5) for insufficient service of process.

SEVENTH AFFIRMATIVE DEFENSE

And further answering the defendant, Metallurgica, denies that the acts were committed as alleged in the plaintiff's Complaint, however if any said acts were committed as alleged, the defendant states that at all times material hereto, it acted in good faith and under a reasonable belief that its actions were in compliance with all relevant laws and circumstances.

EIGHTH AFFIRMATIVE DEFENSE

And further answering the defendant, Metallurgica states the relief sought by the plaintiff in the within action is unjustifiably broad in its scope.

NINTH AFFIRMATIVE DEFENSE

And further answering, the defendant, Metallurgica states the Complaint is barred by the equitable doctrines of estoppel, laches, waiver, acquiescence and/or unclean hands.

TENTH AFFIRMATIVE DEFENSE

And further answering, the defendant, Metallurgica states that the plaintiff has not suffered any damages attributable or caused by the defendant.

ELEVENTH AFFIRMATIVE DEFENSE

And further answering, the defendant Metallurgica states that the plaintiff has failed to mitigate its damages if in fact there are any.

TWELFTH AFFIRMATIVE DEFENSE

And further answering, the defendant, Metallurgica, states that federal law preempts some or all of the plaintiff's claims made pursuant to state statutes.

Defendant Metallurgica Abruzzese S.p.A. reserves the right to supplement and/or modify its responses and defenses asserted herein.

DEFENDANT/PLAINTIFF-IN-COUNTERCLAIM METALLURGICA ABRUZZESE S.P.A.'S COUNTERCLAIM

1. Defendant/Plaintiff in Counterclaim Metallurgica Abruzzese S.p.A. (herein "Metallurgica") is an Italian Corporation duly organized by law with an usual place of business located Via Repubblica in Parma, Italy.

2. Plaintiff/Defendant in Counterclaim Riverdale Mills Corporation (herein “Riverdale Mills”) is, upon information and belief, a Massachusetts Corporation duly organized by law with an usual place of business located in Northbridge, Worcester County, Massachusetts.
3. At all times material hereto, the defendant, Cavatorta North America (herein “Cavatorta”) and Metallurgica Abruzzese were and are direct competitors of Riverdale Mills Corporation.
4. Metallurgica Abruzzese is the manufacturer of the Cavatorta product in Italy, known as SEAPLAX™.
5. Cavatorta North America is the local distributor of SEAPLAX™ for the United States.
6. Cavatorta’s SEAPLAX™ product is welded wire mesh made from high tensile steel wire that is galvanized after welding and coated with PVC using Cavatorta’s process known as “SEAPLAX Process.”
7. Metallurgica Abruzzese S.p.A has been manufacturing SEAPLAX™ for more than fourteen (14) years.
8. Currently, pursuant to the SEAPLAX™ process, SEAPLAX™ is galvanized after welding and Metallurgica Abruzzese has not changed the SEAPLAX™ process.
9. SEAPLAX™ is manufactured by Metallurgica Abruzzese S.p.A. between two and three times annually.
10. In or around late May 2015 Riverdale Mills learned of a production error at Metallurgica Abruzzese that caused non- SEAPLAX™ product to be delivered to certain Metallurgica and Cavatorta customers in the United States and Canada who had ordered the SEAPLAX™ product between 2014 and 2015.
11. Upon learning of the aforementioned production error, Riverdale Mills contacted certain known customers of Cavatorta and Metallurgica to purchase some of the non- SEAPLAX™ product for testing.
12. Upon learning about the aforementioned production error, Riverdale Mills also reached out to known customers of Cavatorta and Metallurgica and informed them that Cavatorta and or Metallurgica had sold product that was not the SEAPLAX™ product as ordered.
13. Riverdale Mills informed Cavatorta and Metallurgica customers that “for a full year they were selling mislabeled product.”
14. Riverdale Mills informed Cavatorta and Metallurgica customers that Cavatorta supplied defective wire.

15. Riverdale Mills informed Cavatorta and Metallurgica customers that “traps are falling apart very quickly.”
16. Riverdale Mills informed Cavatorta and Metallurgica customers that it was taking legal action against Cavatorta and Metallurgica and sent various pleadings to known customers of Cavatorta and Metallurgica.
17. Riverdale Mills knowingly contacted customers of Cavatorta and Metallurgica in a concerted effort to induce those customers to terminate their business relationships with Cavatorta and Metallurgica.
18. Riverdale Mills acted with malice and improper motives in contacting known customers of Cavatorta and Metallurgica.
19. Metallurgica has been harmed by the aforementioned actions of Riverdale Mills.

COUNT ONE: TORTIOUS INTERFERENCE WITH BUSINESS RELATIONS

20. Metallurgica repeats, realleges and incorporates herein paragraphs 1-19 above as though separately set forth herein.
21. Riverdale Mills knew of certain business relationships between Metallurgica and its customers.
22. Riverdale Mills knowingly attempted to induce Metallurgica customers to terminate their business relationships with Metallurgica.
23. Riverdale Mills acted in bad faith and with malice and improper motive.
24. Metallurgica has been harmed by the actions of Riverdale Mills.

COUNT TWO – VIOLATION OF G.L.c. 93A

25. Metallurgica repeats, realleges and incorporates herein paragraphs 1-24 above as though separately set forth herein.
26. At all times material hereto, Riverdale Mills and Metallurgica were engaged in trade or commerce pursuant to G.L.c. 93A.
27. Riverdale Mills’ conduct constitutes unfair and deceptive acts and practices as defined by G.L.c. 93A §§ 2, 11 and 940 C.M.R. 3.02.
28. Metallurgica further avers that the actions and practices of Riverdale Mills were willful and intentional, for which Riverdale Mills would be liable for multiple damages and attorneys’ fees and costs pursuant to G.L.c. 93A § 11 all to the damage of Metallurgica.

WHEREFORE, Metallurgica Abruzzese S.p.A. requests the following relief:

1. That a Judgment issue against Riverdale Mills Corporation plus interest and costs of suit, and as to said defendant in counterclaim for any G.L.c. 93A damages, to be trebled with reasonable attorneys' fees and costs.
2. For such other and further relief as this Court may deem just and proper.

JURY CLAIM

The defendant, Metallurgica Abruzzese S.p.A. requests a trial by jury as to all issues.

DEFENDANT,
METALLURGICA ABRUZZESE S.p.A.

/s/Paul S. Rainville

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January 19, 2016

CERTIFICATE OF SERVICE

I, Paul S. Rainville, counsel of record for the defendant Metallurgica Abruzzese S.p.A. do hereby certify that I have served a copy of the foregoing upon the following individuals through the Electronic Case Filing system:

William E. Hilton, Esquire
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/s/ Paul S. Rainville

Paul S. Rainville, Esquire